REMARKS

Claims 1-5, 18-24, 25-28 and 30 are currently pending in this application. The claims stand rejected under 35 U.S.C. § 103(a) as being unpatentable according to the following chart:

Claim 1	Malek in view of Lynn and Chien
Claim 2	Malek, Lynn, Chien, and Bender
Claims 3-5	Malek, Lynn, Chien, and Schneier
Claim 18-23	Malek, Lynn, Chien, Schneier, and Dent
Claim 24	Malek, Lynn, Chien, Schneier, Bender, Dent and "NetBEUI"
Claim 25-27, 30	Malek, Lynn, and Dent
Claim 28	Malek, Lynn, Dent and Schneier

The office action of November 7, 2005 recites at paragraph 12 that Malek allegedly describes "in response to a particular control message synchronizing the encryption and decryption information" and "the synchronization will not occur until the synchronization part and the control part are present and therefore in response to both being present the synchronization and therefore the initialization (as taught by Lynn) occur."

Applicants respectfully disagree and respectfully contend that Malek does not use a control part to initiate an encryption or decryption process, as is disclosed in each of the independent claims. In contrast, Malek describes using only a synchronization part (containing a synchronization marker) to synchronize such a cipher system that has already been initiated.

As shown in Figure 2 of Malek, each of the time slots 202, 203 have the following structure:

> A first part being a synchronization part 204 comprising a synchronization marker "for synchronizing a linked PCU 120 and FCU 102" (column 4, lines 45-46).
>
> A subsequent part being a data part 205 comprising a control part 206 and a user data part 208.

Malek clearly shows the synchronization part 204 being separate and before a control part 206 within each time slot 202, 203.

Next, Malek provides various descriptions showing that elements within the synchronization part, and only the synchronization part, initiate an encryption or decryption process:

> "In operation, *frame synchronization portions* of TDMA/TDD circuits within in the FCU 102 and in the PCU 120 *enable the encryption and decryption of the information* during the user data part 208 and during the transmission of the control part 206 when the control part 206 comprises user signaling information" (column 5, lines 2-7);
>
> "When the link establishment proceeds to a point at which the link is ready for user communication, the microprocessors 304, 404 load 608 the PIN into the ESCs 314, 414 in the FCU 102 and the PCU 120, respectively, and simultaneously *enable the respective clock enable 510* for the ESCs 314, 414 *at the time of the next sync marker in the synchronization part 204* of the signal transmitted by the FCU in the FCU transmit time slot 202 being used" (Figure 5 and column 8, lines 5-14);
>
> "With reference to Fig. 7, a method of maintaining a synchronized encryption and decryption of information without interruption throughout a hand-off...comprises a PCU 120 linked to a first FCU 120 determining 701 a need for a hand-off to a second FCU 120 and then selecting a time for hand-off completion, *the selected time being concurrent with a future sync*

marker in the synchronization part 204..." (Figure 7 and column 8, lines 47-56).

Therefore, Malek clearly describes using a sync marker, which is only contained within the synchronization part 204, as the time trigger in enabling an encryption or decryption process (such as enabling a clock enable for an ESC).

As mentioned earlier, each of the independent claims disclose elements in which an encryption or decryption process is initiated by a particular control message. The control message is preexisting and already used for another purpose. For example, claim 1 discloses "if the control data contains the particular control message, loading an encryption synchronization counter...and initializing the encryption synchronization counter," claim 18 discloses "detecting a particular control message...for initiating encryption...in response to detecting, loading a size of a message for transmission into a counter..." and claim 25 discloses "encryption synchronization means configured to detect a particular control message in a data transmission."

Therefore, the independent claims disclose, *inter alia*, a particular control message performing control functions and acting as the trigger to start an encryption or decryption of data. Since Malek only describes the use of sync markers within a synchronization part (separate from a control part), the combination of Malek and the other cited references do not disclose each and every element of the independent claims. For at least these reasons, claims 1, 18, and 25 (and dependent claims 2-5, 19-24, 26-28 and 30) are patentable over the cited references, and applicants respectfully request their early allowance.

In view of the foregoing, the claims pending in the application comply with the requirements of 35 U.S.C. § 112 and patentably define over the applied art. A Notice of Allowance is, therefore, respectfully requested. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call the undersigned at (206) 359-3090.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0665, under Order No. 364388032US1 from which the undersigned is authorized to draw.

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Respectfully submitted,

By_____

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